

THE HIGHLAND COUNCIL
NORTH PLANNING APPLICATIONS
COMMITTEE (via MS TEAMS)

7 DECEMBER 2021

MINUTE

Listed below are the decisions taken by Committee at their meeting and the actions that now require to be taken. The webcast of the meeting will be available within 48 hours of broadcast and will remain online for 12 months: <https://highland.public-i.tv/core/portal/home>

A separate memorandum will be issued if detailed or further instructions are required, or where the contents of the memorandum are confidential. Please arrange to take the required action based on this minute.

Committee Members Present (via MS Teams):

Mrs I Campbell (except items 6.7-7.1), Mr M Finlayson, Mr R Gale, Mr J Gordon, Mr D MacKay (except item 6.6), Mrs A MacLean, Mr D Macleod, Mr H Morrison, Mr K Rosie, Mr A Rhind, Mr A Sinclair and Ms M Morley-Smith (**Chair**)

Substitutes Present:

None.

Other Members Present:

Mr M Reiss (permitted to speak on item 6.6), Mrs T Robertson, Ms J Tilt.

Officers Participating:

Dafydd Jones (DJ) – Acting Head of Development Management – Highland
 Simon Hindson (SH) – Team Leader – Strategic Projects Team
 Emma Forbes (EF) – Team Leader
 Erica McArthur (EMcA) – Principal Planner
 Claire Farmer-McEwan (CFM) – Planner
 Mark Fitzpatrick (MF) – Planner
 Craig Simms (CS) – Planner
 Alan Fraser – Principal Engineer
 Jane Bridge – Senior Engineer (Development Management)
 Karen Lyons – Principal Solicitor (Planning) and Clerk
 Alison MacArthur – Administrative Assistant

Guests:

None

ITEM NO	<u>DECISION</u>	<u>ACTION</u>
1	Apologies for Absence Leisgeulan	
	Mr R Bremner, Mr C Fraser, Mr C Macleod and Mrs M Paterson.	N/A

2	Declarations of Interest Foillseachaidhean Com-pàirt	
	Mr D Mackay in respect of item 6.6 (non-financial).	N/A
3	Confirmation of Minutes Dearbhadh a' Gheàrr-chunntais	
	There had been submitted for confirmation as a correct record the minutes of the meeting of the Committee held on 19 October 2021 which were APPROVED .	N/A
4	Major Development Update Iartasan Mòra	
	An update on new applications received since the report was issued, current appeals and those applications coming forward in 2022. Members then had a discussion on the implications of increased workload and staffing of the Planning Service. Agreed: to NOTE the report.	DJ/SH
5	Major Developments – Pre-application consultations Leasachaidhean Mòra – Co-chomhairle Ro-iarrta	
5.1	Description: Whisky distillery, warehousing buildings, bottling facilities, tank farm, energy centre, long sea outfall and other associated infrastructure (21/05261/PAN) (PLN/089/21) Ward: 4 Applicant: Midfearn Distillery Ltd Site Address: Land 470 m NW of Farmhouse, Easter Fearn, Ardgay.	
	Agreed: no further considerations raised.	Peter Wheelan
6	Planning Applications to be Determined Iartasan Dealbhaidh rin Dearbhadh	
6.1	Applicant: Pat Munro Ltd (21/01332/FUL) (PLN/090/21) Location: Land 90 m NW of Greenside Farm, Rosemarkie (Ward 9). Nature of Development: Erection of 34 units (amended from 32 to include plots 28 and 29 (Modifications of previously approved design granted under planning permission 15/03033/FUL). Recommendation: Grant.	
	The Principal Planner advised of an error in the report namely that condition 1 had been repeated. The repeated condition would be deleted and the following conditions renumbered. Agreed: to GRANT planning permission subject to the conditions contained in the report and the prior variation of the existing s75 planning obligation.	EMcA

6.2	<p>Applicant: Arqiva Ltd (21/02588/FUL) (PLN/091/21) Location: Land 25 m NE of Culag Hotel, Culag Road, Lochinver (Ward 1). Nature of Development: Installation of 20 m high tv broadcasting mast and associated infrastructure within fenced compound. Recommendation: Grant.</p>	
	<p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> • there was sympathy with the proposed location of the aerial, there were better positions for it, but it was likely to be costly for people to obtain new ariels and have them realigned; and • there was no material reason to refuse this application. 	
	<p>Agreed: to GRANT planning permission subject to the conditions contained in the report.</p>	<p>David Borland</p>
6.3	<p>Applicant: Mr Andrew Forrest (21/02750/FUL) (PLN/092/21) Location: Land 110 m NW of Armdale, Parkview, Auckengill (Ward 3). Nature of Development: Formation of caravan site for touring caravans and campervans, site office and toilet/shower block, erection of house, siting of temporary caravan, installation of septic tank and soakaway and formation of 2 no access. Recommendation: Grant.</p>	
	<p>In answer to Members' questions, the Planner advised:</p> <ul style="list-style-type: none"> • the changes to the road would be at the applicant's expense; and • the road conditions had been tied to the caravan site part of the application as it would be disproportionate to tie these conditions specifically to the house. <p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> • there was a need for this kind of development in this area and the improvements to the road would be welcomed. 	
	<p>Agreed: to GRANT planning permission subject to the conditions contained in the report and the upfront payment of a developer contribution towards education.</p>	<p>MF</p>
6.4	<p>Applicant: The Glenmorangie Company Ltd (21/03237/FUL) (PLN/093/21) Location: Land 700 m NW of Tower View, Fearn (Ward 7). Nature of Development: Erection of whisky maturation warehouses, cask filling and disgorging facility with associated tank farm, tanker filling bay, welfare facilities, car park and associated infrastructure. Recommendation: Grant.</p>	
	<p>In answer to Members' questions, the Planner advised:</p> <ul style="list-style-type: none"> • the access would be used for access to both the site and the potato shed. 	

	<p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> • although a possible concern had been raised regarding the level of vehicle movements these would be minimal as far as HGV lorries were concerned; • there were no serious concerns about the application; and • the company had outgrown the existing site, hence the requirement for an additional site. 	
	Agreed: to GRANT planning permission subject to the conditions contained in the report.	CFM
6.5	<p>Applicant: Mrs Pippa Archibald (21/03580/FUL) (PLN/094/21) Location: Land 20 m NE of 18 South Erradale, Gairloch (Ward 5). Nature of Development: Erection of house and garage/office, siting of 2 holiday letting units and associated works. Recommendation: Grant.</p>	
	<p>In answer to Members' questions, the Planner advised:</p> <ul style="list-style-type: none"> • a standard access route would require excavation of the peat, a floating track is built over the peat rather than impacting it; and • the peat management plan identified that the excavation and removal of peat required would be for a section of foundation for a single black house and this was considered acceptable. <p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> • the existence of peat on the site peat had been a concern but this and other concerns had been addressed in the conditions; and • this would bring a disused croft back into residential use therefore supporting a local family. 	
	<p>Agreed: to GRANT planning permission subject to the conditions contained in the report subject to a rewording of condition 6 to read as follows: "Prior to the first occupation of the development, the floating access track shall be formed in accordance with the engineers' details and NatureScot guidelines as shown on the approved plans and thereafter shall be maintained in perpetuity. Reason: To ensure that an adequate level of access is timeously provided for the development; to ensure that construction of an access track preserves underlying peatland."</p>	CS

6.6	<p>Applicant: Limekiln Wind Ltd (21/03750/S36) (PLN/095/21) Location: Limekiln Wind Farm, Land 2870 m SE of Borlum House, Reay (Ward 2). Nature of Development: Application under Section 36 of the Electricity Act 1989 to vary the consented Limekiln Wind Farm to increase the blade tip height from 15 turbines at a maximum blade tip of 130 m and 6 turbines with a maximum blade tip height of 126 m to 21 turbines with a maximum blade tip height of 149.9 m. Recommendation: Raise no objection.</p>	
	<p>The Team Leader – Strategic Projects Team advised of an error in the report namely that the original application was refused consent by Scottish Ministers on 13 July 2015.</p>	
	<p>In answer to Members’ questions, the Team Leader advised:</p> <ul style="list-style-type: none"> • clarification was given on the reasons for refusal of the original application in July 2015; • only the Dounreay tri-scheme formed part of the cumulative impact assessment for this application, the Pentland Offshore Scheme had not been considered as that application had yet to be lodged; • the RSPB and Scotways had objected to the Energy Consent Unit and clarification was also given on the NatureScot response to the application; • survey work had been undertaken in relation to ornithology and in relation to raptors the Habitat Management Plan had measures to mitigate the impact on ornithology; and • the impacts in relation to ornithology were minimal. <p>Mr Reiss then expressed the following views:</p> <ul style="list-style-type: none"> • the Committee had previously refused this windfarm application in what is a beautiful area of the North Coast 500; • there had been many objections to the previous schemes for this windfarm, and an application to remove the core path network through the area had been refused at the Caithness Committee; • the overall cumulative impact of this application may be one of the most extreme cases in the rural North coast of Scotland as this area included Forss, Forss extension, Baillie, Limekiln extension and Drum Hollistan windfarms over a 12 mile stretch of rugged coastline with dispersed housing; • although Infinergy stated that the increased turbine height would be relatively modest, the Caithness West Community Council had stated that the swept area of each wind turbine would be 275% more than the consented scheme; • as this was a visually unique area of Caithness with panoramic views over a large area of Caithness, Caithness should be viewed in its entirety when looking at this application; and • Caithness produces over 12 times the power that they consume according to HIE, Caithness is therefore doing more than its share. 	

	<p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> this was just an amendment to the existing consented development, there was a situation where there was the positive removal of two turbines and the negative effect of the increased height of the turbines; and it was important to recognise the work put in by officers in relation to the application and their recommendation. 	
	<p>Agreed: to: A. RAISE NO OBJECTION to the application subject to the removal of Turbines 22 and 23 from the proposed development subject to the conditions contained in the report; and B. Members grant delegated authority to the Area Planning Manager - North to respond to any Further / Supplementary Environmental Information related to the removal of Turbines 22 and 23 if consulted by the Scottish Government's Energy Consents Unit.</p>	SH
6.7	<p>Applicant: Mr Clarck Nussey (21/04050/PIP) (PLN/096/21) Location: 84 East Helmsdale, Strath Road, Helmsdale, KW8 6JL (Ward 4). Nature of Development: Erection of house and formation of access. Recommendation: Grant.</p>	
	<p>The Planner provided an update on the response from the Crofting Commission received the night before the committee meeting.</p> <p>The Senior Engineer brought Members' attention to the objection by Transport Planning and asked that, if Members were minded to grant this application, a condition in relation to the provision of a suitable turning space be included for larger vehicles, within the site/land owned by the applicant.</p> <p>The Area Planning Manager advised that the extent of the difficulties, highlighted by Transport Scotland and associated with this turning area had not been fully explored in the report, an opportunity to explore the possibilities in this area would be beneficial.</p>	
	<p>Agreed: to DEFER the application to a future meeting of the Committee to establish whether Transport Planning's objection can be resolved.</p>	MF
6.8	<p>Applicant: Highland Housing Alliance (21/04244/FUL) (PLN/097/21) Location: Phase 2, St Andrews Road, Dingwall (Ward 8). Nature of Development: Application for landscaping, drainage and pathway design on land adjacent to St Andrews Road. Recommendation: Grant.</p>	
	<p>The Principal Planner advised of an error in the report namely that the tables have been published twice. To clarify, there have been 8 third party representations: 5 objections and 3 general comments.</p>	

	<p>In answer to Members' questions, the Planner advised:</p> <ul style="list-style-type: none"> the existing watercourse runs along the southern boundary of the site and continues through the back gardens of existing properties. There has been a history of flooding events impacting on the playpark and some of the gardens. The development is upstream of the watercourse and the Flood Team had sought to ensure through the planning conditions that the discharge into the watercourse from the site is restricted; and the maintenance and inspection of the existing watercourse would remain within the inspection remit of the Flood Team. <p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> drainage and flooding had been a major concern for Dingwall over the years; there was not enough detail in relation to the footpaths and Members urged the developer to keep the local community informed of progress of the development. 	
	<p>Agreed: to GRANT planning permission subject to the conditions contained in the report. In addition, due to concerns expressed by the local community, Members requested that the applicant be encouraged to keep the local community informed of progress of the development.</p>	<p>EF</p>
<p>6.9</p>	<p>Applicant: SSE Generation Limited (21/03695/S36) (PLN/098/21) Location: Land 2 km NE of Glencassley Castle, Rosehall (Ward 1). Nature of Development: Achany Extension Wind Farm - erection and operation of a wind farm for a period of 50 years, comprising of 20 wind turbines with a maximum blade tip height 149.9 m, access tracks, borrow pits, substation, control building, and ancillary infrastructure Recommendation: Raise no objection.</p>	
	<p>The Team Leader – Strategic Projects Team advised that, in paragraph 8.13 of the report, the word “not” had been missed out between “impacts had” and “been minimised”.</p>	
	<p>In answer to Members' questions, the Planner advised:</p> <ul style="list-style-type: none"> the turbines would impact the peat but this will be mitigated through peat management and a scheme for peat restoration; the peat works would be monitored by an ecological clerk of works who will report back regularly to the planning authority. At the present time a framework is being identified to monitor all large developments; and there had been several studies into the colour of turbines over the years, and the grey colour was decided upon as the preferred colour for turbines. <p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> it made sense to have an addition to the existing windfarm; and this was a good common-sense approach utilising existing accesses. 	

	<p>Agreed: to RAISE NO OBJECTION to the application subject to:</p> <p>A. The removal of Turbines 10 and 20 and associated infrastructure;</p> <p>B. the following conditions and reasons; and</p> <p>C. Members grant delegated authority to the Area Planning Manager - North to respond to any Further / Supplementary Environmental Information related to the removal of Turbines 10 and 20 if consulted by the Scottish Government's Energy Consents Unit.</p>	SH/AH
7	<p>Decision of Appeals to the Scottish Government Planning and Environmental Appeals Division (PP 149 - 180)</p> <p>Co-dhùnadh mu Iartras do Bhuidheann-stiùiridh Riaghaltas na h-Alba airson Lùth agus Atharrachadh Aimsir</p>	
7.1	<p>Applicant: Jaki Pickett (20/04608/ADV) (ADA-270-2002)</p> <p>Location: Unit 2, Seaforth Road, Muir of Ord, IV6 7TA (Ward 8)</p> <p>Nature of Development: Application for advertisement consent.</p>	
	<p>Agreed: to NOTE the decision of the Reporter to dismiss the appeal and refuse the application for advertisement consent.</p>	Rebecca Hindson
	<p>The meeting finished at 15:05.</p>	